

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

TAMEKA DESHELL MAXSON,

Plaintiffs,

v.

ARCADIA RECOVERY BUREAU, LLC,

Defendant.

4:16-cv-00060-JVB-PRC

Honorable Joseph S. Van Bokkelen

Magistrate Hon. Paul R. Cherry

PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT ON SUM CERTAIN

NOW comes TAMEKA DESHELL MAXSON (“Plaintiff”), by and through her attorneys, Consumer Law Partners, LLC (“CLP”) and pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, requesting that this Honorable Court enter a Default Judgment on Sum Certain against ARCADIA RECOVERY BUREAU, LLC (“Defendant”), and in support thereof, stating as follows:

1. On July 31, 2016, Plaintiff caused to be filed her Complaint for Relief Pursuant to the Fair Debt Collection Practices Act (“FDCPA”) against Defendant.
2. The basis of Plaintiff’s Complaint is that Defendant violated the FDCPA through its debt collection activity by contacting the Plaintiff after being notified that the Plaintiff was represented by counsel in violation of 15 U.S.C. §§1692d, d(5), and f.
3. On August 15, 2016, Christina Gregory, a process server, effectuated service on Taylor White, an employee of the Defendant’s Registered Agent, Corporation Service Company. *See* attached Exhibit A is a true and correct copy of the filed served summons.

4. With no response from Defendant, Plaintiff caused to be filed a Motion for Clerks Entry of Default on October 28, 2016.

5. Attached to the Motion for Entry of Default was an affidavit signed by Daniel M. Spector, counsel for Plaintiff, attesting that service had properly been effectuated and Defendant was not a member of a protected category. *See* attached Exhibit B is a true and correct copy of the affidavit filed with Plaintiff's Motion for Entry of Default.

6. On October 28, 2016, the Clerk of this Honorable Court filed an Entry of Default against Defendant. *See* attached Exhibit C is a true and correct copy of the Clerk's Entry of Default.

7. Having gained an Entry of Default against Defendant, Plaintiff now moves this Honorable Court to enter a Default Judgment on Sum Certain against Defendant and in favor of Plaintiff.

8. As discussed below, Plaintiff is seeking statutory damages pursuant to 15 U.S.C. §1692k(a)(2)(A) and costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k(a)(3).

STATUTORY DAMAGES

9. Plaintiff seeks the full statutory allotment of \$1,000.00 allowed under the FDCPA. Defendant's knowledge of this matter and lack of participation has denied Plaintiff the opportunity to explore its policies and procedures regarding compliance with the FDCPA. As such, Plaintiff is unable to show this Honorable Court whether or not Defendant's conduct was willful or the result of error. However, Plaintiff asserts that Defendant's lack of participation in this matter is indicative of its respect for legal processes and compliance.

ATTORNEY FEES AND COSTS

10. Plaintiff seeks \$3,970.00 in reasonable costs and attorney fees under the FDCPA. *See* attached Exhibit D is a true and correct itemization of Plaintiff's reasonable attorney fees and

costs and attached Exhibit E is a true and correct copy of an affidavit signed by Plaintiff's counsel.

WHEREFORE, Plaintiff, TAMEKA DESHELL MAXSON, respectfully requests that this Honorable Court enter judgment in the amount of 4,970.00 in her favor against ARCADIA RECOVERY BUREAU, LLC for its violations of law.

Dated: February 7, 2017

Respectfully Submitted,

s/ Daniel M. Spector

Daniel M. Spector, Esq. #6310224

Counsel for Plaintiff

Admitted to Practice in the Northern District

Consumer Law Partners, LLC

435 N. Michigan Ave., Suite 1609

Chicago, Illinois 60611

(267) 422-1000 (phone)

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Daniel.s@consumerlawpartners.com

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Tameka Deshell Maxson, certifies that on February 8, 2017, he caused a copy of the foregoing PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT ON SUM CERTAIN, to be served by U.S. mail, postage prepaid and via facsimile to (610) 378-5340:

Arcadia Recovery Bureau, LLC
645 Penn Street, 4th Floor
Reading, PA 19601

Arcadia Recovery Bureau, LLC
R/A Corporation Service Company
2595 Interstate Drive
Harrisburg, PA 17110

/s/ Daniel M. Spector
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